

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ANNETTE DANGERFIELD-LEWIS, { CHAPTER 13
DEBTOR { { CASE NO.: A18-53298-SMS
{ { JUDGE SIGLER

TRUSTEE'S MOTION TO MODIFY PLAN

COMES NOW K. Edward Safir, Standing Chapter 13 Trustee, through under-signed counsel in the above-referenced matter, and files this Motion to Modify Plan. The Trustee respectfully shows the Court the following:

1.

The Debtor filed for relief under Chapter 13 of Title 11 on February 28, 2018. The Chapter 13 plan provides for payments of \$830.00 per month with a 100% dividend to unsecured creditors.

The plan was confirmed on October 16, 2018.

2.

Section 8.1 of the confirmed Chapter 13 plan provides that "Debtor's student loans to be paid direct"

3.

On April 17, 2018, The US Department of Education filed two general unsecured claims in the amounts of \$23,906.90 and

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\$1,561.74 (claim numbers 4 & 5, respectively, on the Court's Claims Register).

4.

Due to an internal error in the Trustee's office, payments were made on these claims along with other allowed general unsecured claims. A total of \$23,906.90 and \$1,552.51 were paid on these claims respectively at the time the Trustee's office identified the error during an audit of the case in July 2024.

5.

The Trustee sent a request via mail to the US Department of Education for a refund of these amounts. Refunds totaling \$6,482.86 were received by the Trustee's office.

6.

On January 15, 2025, the Trustee's office was notified that the remaining amounts to be refunded to the Trustee were mailed, in error, directly to the Debtor instead of to the Trustee's office.

7.

All other allowed general unsecured claims in the case are otherwise paid in full. As such, any refund obtained from the US Department of Education would be refunded to the Debtor by the Trustee.

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WHEREFORE, based on the foregoing, the Trustee respectfully moves the Court for an Order modifying Section 8.1 of the confirmed plan, in accordance with 11 U.S.C. § 1329, to specify that the Trustee shall pay Court Claim #4 of the US Department of Education \$18,701.45 and shall pay Court Claim #5 of the US Department of Education \$284.33; that the remaining balance of both claims shall be paid directly by the Debtor; and for such further relief as the Court deems necessary.

Respectfully submitted,

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NOTICE OF HEARING

PLEASE TAKE NOTICE that K. Edward Safir, Chapter 13 Trustee, has filed a Motion to Modify Plan.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion at 10:00 a.m. on April 1, 2025, in Courtroom 1201, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, which may be attended in person or via the Court's Virtual Hearing Room.

You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the Judge's webpage, which can also be found on the Court's website.

Please also review the "Hearing Information" tab on the Judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the Judge's webpage.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so.

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If you file a written response, you must attach a certificate stating when, how, and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing.

The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Respectfully submitted

/s/
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Slipakoff & Slomka, PC

I further certify that on this day I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following parties at the address shown for each.

Annette Dangerfield-Lewis
3622 Ten Oaks Circle
Power Springs, GA 30127

US Department of Education
Claims Filing Unit
P.O. Box 7860
Madison, WI 53707

Juana Martinez, Claims Filing Specialist
Nelnet
121 S. 13th Street
Lincoln, NE 68508

This 3rd day of March 2025

/s/
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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